

BYLAW NO. ##/2018

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF FOOTHILLS NO. 31 TO RESTRICT THE CONSUMPTION OF CANNABIS IN PUBLIC PLACES WITHIN THE M.D. OF FOOTHILLS NO. 31, IN THE PROVINCE OF ALBERTA

WHEREAS The House of Commons has given three readings to the *Cannabis Act* (Bill C-45, an Act respecting cannabis and to amend the *Controlled Drugs and Substances Act*, the Criminal Code and other Acts, 1st Sess. 42nd Part, 2017) which will permit persons to possess cannabis if purchased from an authorized person;

AND WHEREAS it is anticipated that the *Cannabis Act* will come into force in October 2018;

AND WHEREAS the Province of Alberta has amended the *Gaming, Liquor and Cannabis Act* R.S.A. 2000, c. G-1 which will prohibit the use of cannabis in certain places;

AND WHEREAS pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, and amendments thereto, Council may pass bylaws respecting:

- a) the safety, health and welfare of people and the protection of people and property;
- b) people activities and things in, on or near a public place or place that is open to the public; and
- c) the enforcement of bylaws made under the *Municipal Government Act* or any other enactment.

AND WHEREAS Council deems it necessary to impose additional restrictions on the smoking, vaping and other forms of consumption of cannabis in public places to prevent behaviours and conduct that may have a negative impact on the enjoyment of public places.

NOW THEREFORE BE IT RESOLVED the Council of the M.D. of Foothills No. 31 duly assembled and under the authority of the *Municipal Government Act*, as amended, hereby enacts the following:

TITLE

1. This bylaw shall be known as the "Consumption of Cannabis in Public Places Bylaw".

DEFINITIONS

2. The following definitions will apply to the corresponding words in this bylaw:

- (1) "Cannabis" has the meaning given to it in the *Cannabis Act*;
- (2) "Cannabis Act" means Bill C-45, an Act respecting cannabis and to amend the *Controlled Drugs and Substances Act*, the Criminal Code and other Acts, 1st Sess, 42nd Part, 2017;
- (3) "Consume" or "Consumption" means to eat, drink or ingest;
- (4) "Electronic Smoking Device" means an electronic device that can be used to deliver a vapor, emission or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe;
- (5) "Officer" means a Bylaw Enforcement Officer or Community Peace Officer employed by the M.D. of Foothills No. 31 and appointed pursuant to the *Peace Officer Act*, S.A. 2006, c. P-3.5, or a member of the RCMP;
- (6) "Public Place" means any place, including privately or publicly owned or leased Property, which the public reasonably has or is permitted to have access, whether on payment or otherwise;
- (7) "Smoke" or "Smoking" means:
 - a. inhaling or exhaling the smoke produced by burning or heating cannabis, or
 - b. holding or otherwise having control of any device or thing containing lit or heated cannabis;
- (8) "Vape" or "Vaping" means:
 - a. inhaling or exhaling the vapor, emissions or aerosol produced by an electronic smoking device or similar device containing cannabis, or
 - b. holding or otherwise having control of an electronic smoking device that is producing vapor, emissions or aerosol from cannabis;

INTERPRETATION

3. The headings in this bylaw are for reference purposes only.

PROHIBITION

4. A person must not smoke, vape or consume cannabis in any Public Place.

ENFORCEMENT

5. General Penalty Provision
 - (1) A person who contravenes this Bylaw by doing any act or thing which the person is prohibited from doing is guilty of an offence.
6. Violation Tickets and Penalties
 - (1) Where an Officer believes that a Person has contravened any provision of this Bylaw, the Officer may commence proceedings against the person by issuing a violation ticket pursuant to the *Provincial Offences Procedures Act*; R.S.A 2000, c. P-24.
 - (2) Where there is a specified penalty listed for the offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.
 - (3) This section does not prevent any Officer from issuing a violation ticket requiring a Court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*; R.S.A. 2000 c. P-24 or from laying an information in lieu of a violation ticket.

ENACTMENT/TRANSITION

7. Should any provision of this bylaw be deemed invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.

8. This Bylaw shall have effect on the date of its third reading.

First Reading:

REEVE

MUNICIPAL MANAGER

Second Reading:

REEVE

MUNICIPAL MANAGER

Third Reading:

REEVE

MUNICIPAL MANAGER

PASSED IN OPEN COUNCIL assembled at the Town of High River
In the Province of Alberta, the day of 2018.

SCHEDULE "A"

SPECIFIED AND MINIMUM PENALTIES

	Offence	Minimum Penalty	Specified Penalty
	Smoke, vape or consume cannabis in a public place	\$250.00	\$250.00

DRAFT